

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MILLIE ESPOSITO, an individual,) CASE NO. : 2:11-cv-00958-PMP-CWH
)
Plaintiff,) DEFAULT JUDGMENT AGAINST
) PATRICIA ANN BASCOM
vs.)
)
MARIE HEILBERG, an individual,)
PATRICIA ANN BASCOM, an individual,)
LAWYERS TITLE OF NEVADA, INC., a)
Nevada corporation, PAULA L. DIFULVIO,)
an individual, NATIONAL ALLIANCE)
TITLE COMPANY, a Nevada corporation,)
TAYLOR, BEAN AND WHITAKER, a)
Nevada corporation, SUNTRUST)
MORTGAGE, INC., a Nevada corporation,)
FEDERAL HOME LOAN)
MORTGAGE CORPORATION, a)
governmental or business entity, from)
unknown, SILVER STATE TITLE, LTD.,)
a Nevada corporation, DREAM HOUSE)
FINANCIAL, a business entity form)
unknown; MIGUEL J. MENDIOLA, an)
individual DOE individuals I-X, inclusive;)
ROE business entitles XI-XX, inclusive,)
)
Defendants.)

Defendant, Patricia Ann Bascom, ("Bascom") having failed to plead or otherwise defend this action, and default having heretofore been entered on November 9, 2011 upon application of Plaintiff as set forth in the attached affidavit establishing that Bascom is indebt to Plaintiff in

1 the principal sum of \$42,689.49 plus interest thereon; the Defendant had been defaulted for
2 failure to appear pursuant to Rule 55(a) of the federal Rules of Civil Procedure and the claim of
3 the Plaintiff is for a sum certain, or for a sum which can by computation be made certain.

4 The Clerk of the Court entered default against Bascom for failure to contest or otherwise
5 respond to the complaint filed against her in this matter. Therefore it is hereby ORDERED that
6 Millie Esposito is granted judgment against Bascom. It is further ORDERED, ADJUDGED, and
7 DECREED as follows:

8 **FINDINGS**

9 1. This Court has jurisdiction over the subject matter of this case and over the
10 persons of the Defendant.

11 2. Venue as to Defendant in the United States District Court, District of Nevada is
12 proper.

13 3. Millie Esposito has authority to seek the relief it has requested.

14 4. Bascom was served via publication on August 19, 2011, August 26, 2011,
15 September 2, 2011, September 9, 2011 and September 16, 2011.

16 5. Bascom has failed to answer and/or make an appearance within the above
17 captioned case.

18 6. On November 9, 2011, the Clerk of the Court entered default against Bascom.
19 Bascom was served with the entry of default and has not contested the entry as provided for in
20 Federal Rule of Civil Procedure 55(c).

21 7. In or about December 1993, Millie Esposito ("Esposito") and her spouse Carmen
22 Esposito purchased the real property located at 817 Yacht Harbor Drive, Las Vegas, Nevada
23 89145 ("Property").

24 8. On May 14, 2007, Carmen Esposito passed away and in or about June 2007,
25 Esposito's daughter, Marie Heilberg ("Heilberg") moved into the Property to assist Esposito.

26 9. January 28, 2008 and August 24, 2007, Bascom notarized Millie Esposito's
27 forged signature by Heilberg refinancing the Property.

28 ///

1 10. On June 22, 2012 the Court declared the two forged Deeds of Trust in regards to
2 the SunTrust Mortgage Loan and Taylor Bean & Whitaker Loan were void ad initio.

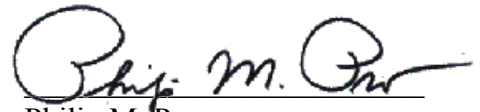
3 11. On January 11, 2013, Plaintiff entered into an agreement with Federal Home Loan
4 Mortgage Corporation ("FHLMC"), whereby FHLMC would purchase the property for
5 \$90,000.00 and Plaintiff would vacate the premises of the Property within 90 days.

6 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Plaintiff, Millie
7 Esposito, recover of the Defendant, Patricia Ann Bascom, the sum of \$42,689.49, plus cost and
8 interest according to law from the date of this judgment until the entire amount is paid.

9 This judgment is entered by the Clerk at the request of the Plaintiff and upon affidavit
10 that said amount is due, in accordance with Rule 55(b)(1) of the Federal Rules of Civil
11 Procedure.

12 IT IS SO ORDERED.

13 Dated: January 24, 2014


Philip M. Pro
United States District Judge

AFFIDAVIT OF ELIZABETH S. ASHLEY, ESQ.
IN SUPPORT OF DEFAULT JUDGMENT AGAINST PATRICIA ANN BASCOM

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Elizabeth S. Ashley, Esq., do hereby swear under penalty of perjury that the following assertions are true to the best of my knowledge and belief:

1. Affiant is the attorney of record for the Plaintiff in the matter entitled Millie Esposito v. Marie Heilberg, et. al., barring case number 2:11-cv-00958-PMP-CWH.

2. The mortgage on the Property located at 817 Yacht Harbor Drive, Las Vegas, Nevada 89145, barring Clark County Assessor's parcel number 138-33-718-022 was a result of a fraudulent financing of the Property in the amount of approximately \$159,500.00 obtained through Taylor Bean & Whitaker.

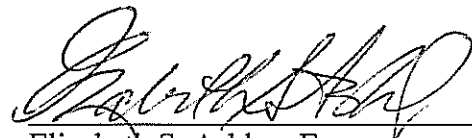
3. Attached hereto as EXHIBIT A please find a true and correct copy of the summons on Patricia Ann Bascom filed on September 29, 2011.

4. Attached hereto as EXHIBIT B please find a true and correct copy of the affidavit of due diligence for Patricia Ann Bascom filed on July 7, 2011.


5. Thus the Plaintiff seeks a Default Judgment against Patricia Anna Bascom in the amount of attorney's fees and cost of \$42,689.49, plus cost and interest according to law from the date of the judgment until the entire amount is paid, attached hereto as EXHIBIT C please find a true and correct copy of the default.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 23rd day of January, 2014.


Elizabeth S. Ashley, Esq.

SUBSCRIBED AND SWORN to before
Me this 23 day of January, 2014.


NOTARY PUBLIC

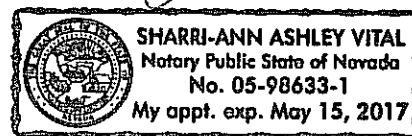
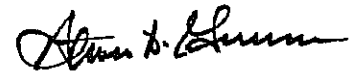


Exhibit A

Electronically Filed
09/29/2011 10:26:00 AM

SUMM

Elizabeth S. Ashley, Esq.
Nevada Bar No. 7501
ASHLEY LAW GROUP
1880 East Warm Springs Road, Suite 130
Las Vegas, Nevada 89119
(702) 837-6605
Attorney for Plaintiff
Millie Esposito


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

MILLIE ESPOSITO, an individual,

Plaintiff,

vs.

MARIE HEILBERG, an individual,
PATRICIA ANN BASCOM, an individual,
LAWYERS TITLE OF NEVADA, INC., a
Nevada corporation, PAULA L. DIFULVIO,
an individual, NATIONAL ALLIANCE
TITLE COMPANY, a Nevada Corporation,
TAYLOR, BEAN AND WHITAKER, a
Nevada Corporation, SUNTRUST
MORTGAGE, INC., a Nevada Corporation,
FEDERAL HOME LOAN
MORTGAGE CORPORATION, a
governmental or business entity, from
unknown, DOE individuals I-X, inclusive;
ROE business entities XI-XX, inclusive,

Defendants.

CASE NO.

: A-11-638892-C

DEPT. NO.

: 44 VII

**SUMMONS ON PATRICIA
ANN BASCOM**

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU
WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS.
READ THE INFORMATION BELOW.**

TO DEFENDANT: PATRICIA ANN BASCOM

A civil Complaint has been filed by the Plaintiff against you for the relief set forth in the
Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served
on you, exclusive of the day of service, you must do the following:

ASHLEY LAW GROUP
1880 EAST WARM SPRINGS ROAD, SUITE 130
LAS VEGAS, NEVADA 89119
(702) 837-6605

1 a. File with the Clerk of this Court, whose address is shown below, a formal
2 written response to the Complaint in accordance with the rules of this Court, with the appropriate
3 filing fee.

4 b. Serve a copy of your response upon the attorney whose name and address
5 is shown below.

6 2. Unless you respond, your default will be entered upon application of the Plaintiff,
7 and this Court may enter a Judgment against you for the relief demanded in the Complaint,
8 which could result in the taking of money or property or other relief requested in the Complaint.

9 3. If you intend to seek the advice of any attorney in this matter, you should do so
10 promptly so that your response may be filed on time.

11 4. The State of Nevada, its political subdivisions, agencies, officers, employees,
12 board members, commission members, and legislators each have 45 days after service of this
13 Summons within which to file an Answer or other responsive pleading to the Complaint.

14 Issued at the direction of:

CLERK OF COURT

15 By: 

16 By: 

APR 06 2011

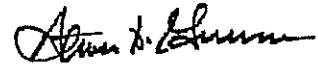
17 Elizabeth S. Ashley, Esq.
18 Nevada Bar No. 7501
19 ASHLEY LAW GROUP
20 1880 East Warm Springs Road, Suite 130
21 Las Vegas, Nevada 89119
22 Telephone: (702) 837-6605
23 Attorney for Plaintiff
24 Mille Esposito

16 Deputy Clerk
17 Regional Justice Center
18 200 Lewis Ave.
19 Las Vegas, Nevada 89155

Date

Exhibit B

Electronically Filed
07/07/2011 09:59:50 AM
07/07/2011 09:59:50 AM


CLERK OF THE COURT

1 AFFT
2 Elizabeth S. Ashley, Esq.
3 Nevada Bar No. 7501
4 ASHLEY LAW GROUP
5 1880 East Warm Springs Road, Suite 130
6 Las Vegas, Nevada 89119
7 (702) 837-6605
8 Attorney for Plaintiff
9 Millie Esposito

DISTRICT COURT
CLARK COUNTY, NEVADA

8 MILLIE ESPOSITO, an individual,) CASE NO. A-11-638592-C
9 Plaintiff,) DEPT. NO. XXVIII
10)
11 vs.)
12 MARIE HEILBERG, an individual; et al.,)
13 Defendants.)

AFFIDAVIT OF DUE DILIGENCE RE: PATRICIA ANN BASCOM, AN INDIVIDUAL

15 State of Nevada)
16) ss.
17 County of Clark)

18 Dillon Gulk and Jillian L. Tate, first being duly sworn depose and say:

19 1. That affiants are and were at all times mentioned herein citizens of the United
20 States, over 18 years of age, not a party to, nor interested in the within action, and licensed to serve
21 civil process under Nevada license number 389.

22 2. That affiants received the within Summons And Complaint on April 21, 2011.

23 3. That affiant, Dillon Gulk, attempted to personally serve a copy of said documents on
24 the Defendant, Patricia Ann Bascom, an individual at 8922 Galena Crossing St., Las Vegas, Nevada
25 89123 on April 21, 2011 at 6:02 p.m., and found the property to be visibly vacant. Affiant observed
26 a sign posted by Cyprex, telephone number 1-877-339-8203. Affiant also observed the water and
27 power still on and a lock box on the gas meter.

28 4. That affiant, Jillian L. Tate, sent a postal order to the United States Post Office for
the forwarding address of 8922 Galena Crossing St., Las Vegas, Nevada 89123 and received the
postal order back stating "NOT KNOWN AT ADDRESS GIVEN".

5. That affiant, Jillian L. Tate, checked with Locate Plus, which revealed a record for

LEGAL WINGS, INC.
PROCESS LICENSER #389
LAS VEGAS, NV
(702)384-0805

1 Patricia Ann Bascom at 8922 Galena Crossing, Las Vegas, Nevada 89123, from October, 2005 –
2 January, 2011.

3 6. That affiant, Jillian L. Tate, checked with the Clark County Assessor's Office,
4 which revealed a record for Patricia Ann Bascom owning 8922 Galena Crossing St., Las Vegas,
5 Nevada 89123, since November 26, 2007.

6 7. That affiant, Jillian L. Tate, checked with the Nevada Department of Motor
7 Vehicles, which revealed a record for Patricia Ann Bascom at 8922 Galena Crossing St., Las Vegas,
8 Nevada 89123, with a valid class "C" driver's license number 1700936162, with an expiration date
9 of March 2, 2012. It further revealed a date of birth of March 2, 1973, a physical description being
10 5'6", 150 lbs., with black hair, brown eyes and a last transaction date of March 1, 2008.

11 8. That affiant, Jillian L. Tate, checked with the Clark County Voter Registrar's
12 Office, which revealed a record for Patricia Ann Bascom at 2450 Avenida Cataluna, Henderson,
13 Nevada 89074, with an active status.

14 9. That affiant, Jillian L. Tate, checked with whitepages.com, which revealed a record
15 for Patricia A. Bascom at 2450 Avenida Cataluna, Henderson, Nevada 89074, 702-269-8050. Affiant
16 called the contact number and left a message.

17 10. That affiant, Dillon Gulk, attempted service at 2450 Avenida Cataluna, Henderson,
18 Nevada 89074 on June 22, 2011 at 5:00 p.m., and received no answer. Affiant observed a BMW
19 with no license plates in the driveway and at that time left a business card.

20 11. That affiant, Dillon Gulk, attempted service on June 23, 2011 at 12:35 p.m., and
21 received no answer. Affiant observed the BMW and business card still there.

22 12. That affiant, Dillon Gulk, attempted service on June 24, 2011 at 6:05 p.m., and
23 spoke with Josh Thacker, who stated that he rents the property and has never heard of the
24 Defendant. Affiant observed a Land Rover with California license plate number 2HGD331 in
25 driveway.

26 13. That affiant, Jillian L. Tate, sent a postal order to the United States Post Office for
27 the forwarding address of 2450 Avenida Cataluna, Henderson, Nevada 89074 and received the
28 postal order back stating "NO CHANGE OF ADDRESS ORDER ON FILE".

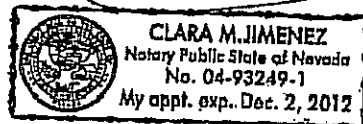
• * * *
• * * *
• * * *
• * * *
• * * *
• * * *

1 14. That affiants on the basis of the foregoing information were unable to personally
2 locate and serve the Defendant, Patricia Ann Bascom, an individual, in Clark County, Nevada.

3 Further your affiants saith naught.

4
5
6 Subscribed and Sworn to Before me
7 this 4th day of July, 2011.

8
9 _____
10 Notary Public in and for said
County and State



Dillon Gulk
Registered Work Card #R-048916

Jillian L. Tate
Registered Work Card #R-045957

LEGAL WINGS, INC.
PROCESS LICENSING #389
LAS VEGAS, NV
(702)384-0805

Exhibit C

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Millie Esposito,

Plaintiff(s),

vs.

Case # 2:11-cv-00958-PMP-CWH

DEFAULT

Marie Heilerg, et al.,

Defendant(s).

It appearing from the records in the above-entitled action that Summons issued on
the Original Complaint June 10, 2011
(Original, Amended, etc) (Date Complaint was filed)

has been regularly served upon each of the Defendants hereinafter named; and it
appearing from the affidavit of counsel or Plaintiff and the records herein that each of
said Defendants has failed to plead or otherwise defend in said action as required by said
Summons and provided by the Federal Rules of Civil Procedure.

Now, therefore, on request of counsel for Plaintiff, the DEFAULT, as aforesaid, of
each of the following Defendants Patricia Ann Bascom

in the above-entitled action is hereby entered.

DATED: November 9, 2011

LANCE S. WILSON, CLERK



By: /s/ Aaron Blazeovich

Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ____ day of January, 2014, I served a copy of the foregoing DEFAULT JUDGMENT AGAINST PATRICIA ANN BASCOM to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all parties listed as CM/ECF registrants, or to the following non-registrants by U.S. Mail as follows:

Marni Rubin-Watkins, Esq.
Fidelity National Law Group
2450 St. Rose Pkwy., Ste. 150
Henderson, Nevada 89074
Attorneys for Defendant
Federal Home Loan Mortgage Corporation

Patricia Anna Bascom
P.O. Box 750327
Las Vegas, Nevada 89136

An Employee of the
ASHLEY LAW GROUP